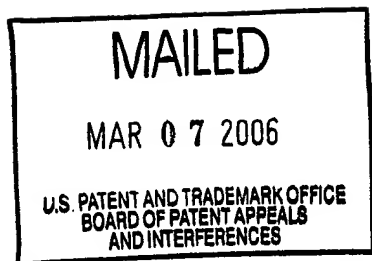


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte STEPHEN A. STOCKMAN,
SERGE L. RUDAZ and MIRA S. MISRA

Application No. 09/846,980

ORDER RETURNING UNDOCKETED APPEAL

This application was electronically received at the Board of Patent Appeals and Interferences on February 14, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith electronically returned to the examiner. The matters requiring attention prior to docketing are identified below.

A review of the Image File Wrapper (IFW) indicates that an ORDER RETURNING UNDOCKETED APPEAL was mailed February 14, 2005 which requested:

1. that the Notice of Appeal fee and one month extension fee be charged to appellant's Deposit Account;
2. that a proper response to the "Grounds of Rejection" appearing on pages 3-6 of the Examiner's Answer mailed

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June 21, 2004 be made by including claims 6-11 and 36-41 in a rejection;

3. that corrective action be taken regarding the signature or initials for Matthew J. Song;

4. that notification be made to appellant regarding the action taken; and

5. for such further action as may be appropriate.

A Supplemental Examiner's Answer was mailed June 1, 2005 which dealt with all of the above items.

However, it should be noted that the grounds of rejection which appear in the Supplemental Examiner's Answer mailed June 1, 2005 include references which were not listed in the "Prior Art of Record" section of the original Examiner's Answer mailed June 21, 2004 (e.g., Takatani, Peng and Nitta). In addition, any Supplemental Examiner's Answer must be approved by a Technology Center (TC) Director or designee. See MPEP § 1207.05. Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

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1. for issuance of a Supplemental Examiner's Answer which contains a corrected "Prior Art of Record" section and contains the appropriate signatures; and

2. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

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CRF:psb

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